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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

UNITED STATES OF AMERICA for the use of )  
WATERFURNACE INTERNATIONAL, INC., an )  
Indiana corporation, )

Plaintiff, )

v. )

No: 07 C 7256

VARIO CONSTRUCTION COMPANY, INC., an )  
Illinois corporation, CHARPIE CONSTRUCTION )  
CO., INC. an Illinois corporation and TRAVELERS )  
CAS. & SURETY CO. OF AMERICA, a Maryland )  
corporation, and JAMES F. RIO, individually, )

Defendants. )

**WATERFURNACE INTERNATIONAL, INC.'S VOLUNTARY MOTION TO DISMISS  
ITS COMPLAINT FOR BREACH OF CONTRACT AND MILLER ACT CLAIM**

This cause coming to be heard on Plaintiff's Voluntary Motion to Dismiss its Complaint, and the Court being duly advised in the premises that a settlement has been reached between WATERFURNACE INTERNATIONAL, INC., VARIO CONSTRUCTION COMPANY, INC., and CHARPIE CONSTRUCTION CO., INC., resolving all of the Counts in WATERFURNACE INTERNATIONAL, INC.'S complaint;

IT IS HEREBY ORDERED that WATERFURNACE INTERNATIONAL, INC.'S Complaint is dismissed with each party to bear their own costs.

ENTERED: Wg. C., 2008

BY: February 21, 2008

**This Order was prepared by:**

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